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10/809,002

03/25/2004

Jan Wietze Huisman

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EXAMINER

KUHNS, ALLAN R

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/809,002 | | HUISMAN, JAN WIETZE | |
| | Examiner | | Art Unit | |
| | Allan Kuhns | | 1732 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1732

1. Claims 51-90 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. On line 9 of claim 51, "the relevant first part" lacks antecedent basis within the claims. In addition, it is unclear as to whether "relevant" first part is meant to encompass the same portion as "at least one first part". It appears that claim 51 would "read" better if "of" on line 7 was replaced by "for."

Claim 52: "the relevant at least one front part" lacks antecedent basis within the claims.

Claims 53 and 54: constituents of a Markush listing should be connected by "and", not "and/or" or "or". In addition, the claim is written in such vague terminology that it is unclear as to what is actually occurring with regard to the softener, softener retaining components or "softener of such nature".

Claims 55-58: in Markush groups, "and/or" should be replaced by "and".

Claim 60: "said first zone" on line 5 lacks antecedent basis within the claims.

Claim 67: the metes and bounds of this claim are uncertain as it is unclear as to what properties a component must have in order to be considered "active" with the first mass. Also, it appears that "to" should follow "wherein" on line 2.

Claim 69: "said reactive component" on line 4 lacks antecedent basis within the claims. In addition, "at" (first occurrence) on line 2 appears to be superfluous.

Claims 74-76: members of Markush groups are connected by "or" instead of "and".

Claim 77: "said other constituents" lacks antecedent basis within the claims.

Claim 78: "wherein the first, respectively second coating" is confusing, and "said constituents" lacks antecedent basis within the claims.

Claim 79: this claim is confusing because it requires the presence of a recess, and then a particular type of recess (a groove).

Claim 83: "or" is used instead of "and" in the Markush group.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51-66 and 79-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (5,753,174) in view of Wittwer et al. (4,673,438) as set forth in the previous Office action.

4. Claim 67 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. Applicant's arguments filed July 30, 2007 have been fully considered but they are not persuasive. Applicant argues that each of the parts obtained (by the practice of the instantly claimed method) are adjacent to each other and that each forms at least part of an outer surface of a product due to the method employed and the molds used. But this argument appears not to be fully commensurate with the claims, particularly independent claim 51.

Applicant notes that attention has been directed to one single embodiment of Shimizu et al. and argues that the reference clearly does not disclose using masses comprising natural polymers for both masses. The examiner can accept Applicant's position that they are in fact doing something which differs from the process of Shimizu et al., but the breadth and vagueness of Applicant's claims are such that they are still readable on the prior art relied upon. Even though the chitosan used by Shimizu et al. may not be used in the manner contemplated by Applicant, it still represents a second mass of a natural polymer in an embodiment which requires the use of a natural polymer, as disclosed at column 9, lines 48-52.

Applicant argues that Shimizu et al. do not disclose heating the first and second mass in the mold. But certainly the masses of Shimizu et al. exist within the mold in a heated condition, and it is certainly well known to provide heat directly to a mold in order to bring a mass or masses to an appropriate temperature.

Applicant argues that in Shimizu et al., there is no disclosure of the simultaneous introduction of the first and second mass into the mold, but it is unclear as to which claim(s) this argument is commensurate.

Applicant admits that cross linking of natural polymers is a well known concept in processing natural polymers, but further argue that the examiner is in error in combining the cited references since only the core material in the specific embodiment disclosed by Shimizu et al. would be subject to cross linking. But the instant claims appear not to distinguish between a core material (and a non-core material), only requiring that the natural polymers present be subject to cross linking.

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Applicant's arguments with regard to the forming of a hinge (claim 79) are not fully understood by the examiner because the claim (79) deals with a recess (e.g., a groove) and the arguments address matters such as affecting properties of the hinge by coating, or omitting the use of a coating.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (571) 272-1202. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ALLAN R. KUHNS
PRIMARY EXAMINER AU 1791